

REMARKS

Amendment to the claims

Claims 6-13 have been cancelled without prejudice.

Claim 1 has been amended to recite *"the retainer being provided with windows for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion"*.

No new matter has been added.

Applicants note that original claim 1 recited (emphasis added) *"a free state in which the wedge member moves freely between a bottom surface of the corresponding wedge guide groove and the outer circumferential surface of the fastening member"* and *"a caught state in which the wedge member is caught between the bottom surface of the corresponding wedge guide groove and the outer circumferential surface of the fastening member"*. Thus, Applicants submit that the original claim 1 made plain that the wedge members and the retainer are arranged so that the wedge members may contact the outer circumferential surface of the fastening member when the fastening member is engaged in the ring portion. Fig. 4 shows the windows 131 in the retainer 13. Applicants submit that claim 1 has been amended for clarification purpose only, and that the scope of amended claim 1 is unchanged compared to the scope of searched original claim 1.

Rejections under 35 U.S.C 112

Claim 12 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 12 has been cancelled without prejudice.

Rejection under 35 U.S.C 102

Claims 1-3, 11 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 592,213 to Smith or by U.S. Patent 6,253,646 to Chang. Further, the Examiner has opined during a telephone interview that Claim 1 is anticipated by U.S. patent No. 5,535,647 to Donaldson. Applicants respectfully disagree.

Claim 1 over Smith

Applicants note that Smith discloses (Figs. 1-6) a hand drill wherein a tool (drill B) having a predetermined shape is retained in a spindle (A) having a socket (a) specifically shaped for receiving the drill. Smith discloses wedge members (j), but arranged in slots of a casing (F) between the spindle (A) and a flange (D). In the device of Smith, the wedge members (j) can only contact the spindle (A), the flange (D) and the casing (F), and cannot contact whatever is inserted in the socket (a) of the spindle (A), for example the drill (B). Applicants submit that for this reason at least, even if the drill (B) were to be replaced by a fastening member, the fastening member would not be allowed to contact the wedge members, and Smith would not disclose or suggest a wrench as recited in claim 1, and in particular comprising a retainer "*provided with windows for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion*". Accordingly, Applicants submit that claim 1 is patentable over Smith.

Claim 1 over Chang

Applicants note that Chang discloses (Fig. 1) a wrench wherein wedge members (50) are arranged between a driving head (10) and a driving body (20) having a driving hole (21) shaped to receive a predetermined fastening member (hexagonal bolt or nut). In the wrench of Chang, the wedge members (50) can only contact the driving head (10) and the driving body (20), but cannot contact a fastening member inserted in the driving hole (21). Accordingly, Chang does not disclose or suggest a wrench as recited in claim 1, and in particular comprising a retainer "*provided with windows for allowing the wedge members to contact the outer circumferential surface of the fastening member when said*

fastening member is engaged in the ring portion". Accordingly, Applicants submit that claim 1 is patentable over Chang.

Claim 1 over Donaldson

Applicants note that Donaldson shows "retainer" elements 18, 19 that allow rollers 17 to contact the fastening member in a complex open-ended wrench having closable jaw assemblies 11, 12 and a spring (24) actuated arrangement that urges the rollers 17 into a desired position as the jaws assemblies 11 and 12 are closed (column 3, lines 22-27).

Applicants note that Donaldson discloses a device with two closable jaw assemblies 11 and 12, which cannot be said to disclose "*a wrench body having a ring portion*", as recited in claim 1. Applicants also fail to see how Donaldson meets the "*changeover mechanism*" limitation of recited in claim 1. Applicants respectfully submit that at least in view of the above, claim 1 is not anticipated by Donaldson.

Further, Applicants note that Donaldson discloses that a spring arrangement urges the rollers toward the surface of a fastening member while the jaws are closed around the fastening member, which teaches combining rollers that can contact the fastening member with a spring arrangement for urging the rollers to an appropriate position when the roller-bearing jaws are closed around a fastening member.

However, Applicants note that Donaldson does not teach or suggest that such rollers would work without such a spring arrangement. Applicants actually note that a closed-end wrench with the spring arrangement of Donaldson for urging the rollers outwardly would not work (because the protruding spring-actuated rollers would prevent a fastening member from being inserted).

Additionally, Applicants note that Donaldson discloses a unidirectional Wrench, wherein the spring arrangement only urges the rollers in a single direction. Applicants note that modifying the structure of Donaldson to include the changeover mechanism recited in claim 1 would necessitate modifying its spring arrangement to move the rollers in two directions. Applicants respectfully submit that the Examiner has failed to show that such a modification would be obvious or even feasible, much less suggested.

Accordingly, and at least in view of the above, Applicants respectfully submit

that claim 1 is patentable over Donaldson.

Claims 2 and 3

Claims 2 and 3 depend on claim 1. Applicants submit that at least in view of their dependency on claim 1, claims 2 and 3 are patentable over Smith or Chang.

Claims 11 and 12

Claims 11 and 12 have been cancelled without prejudice.

Rejection under 35 U.S.C. 103

Claims 1-5, 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 1,412,688 to Layton in view of Chang. Applicants respectfully disagree.

Claim 1

Applicants do not understand the rationale to combine the Chang and Layton references. The Examiner states that the motivation is to modify Layton with a reversing mechanism as disclosed in Chang. But why would a person skilled in the art who was not familiar with Applicant's invention do that? Chang has a perfectly good wrench with a suitable reversing mechanism already. What is the motivation to take the time to modify Layton instead? Applicants note that Chang has many features, including easy assembly and disassembly (see col. 5, lines 18-36). It is respectfully submitted that a person skilled in the art would just adopt Chang's design and ignore Layton altogether.

Applicants also note that both Layton and Chang, even if combined somehow, fail to anticipate all the elements of claim 1. Layton discloses (Figs. 1, 2) a tool holder device (1, 2) for holding a socket wrench (in dotted line in Fig. 2) having a shank,

comprising wedge members (rollers 4) arranged between a retaining ring (5), the head (2) of the device and the shank of the socket wrench (i.e. see column 2, lines 97-100, which recites that "the friction gripping rollers will be moved toward the shallow ends of the sockets and will bind on the shank of the socket wrench"). In Layton, the wedge members cannot come into contact directly with a fastening member that would be inserted in the socket of the socket wrench.

Applicants note that since neither Layton nor Chang disclose or suggest a Wrench structure wherein the wedge members are provided for coming in contact with a fastening member that would be inserted in the wrench structure, and in particular a wrench structure having a retainer "*provided with windows for allowing the wedge members to contact the outer circumferential surface of the fastening member when said fastening member is engaged in the ring portion*", as recited in claim 1, no combination of Layton and Chang would have disclosed or suggested a wrench having the structural features recited in claim 1. In view of the above, Applicants submit that claim 1 is patentable over Layton in view of Chang.

Claims 2-5

Claims 2-5 depend on claim 1. Applicants submit that at least in view of their dependency on claim 1, claims 2 to 5 are patentable over any of Smith, Layton and Chang, taken alone or in combination, and in particular over Layton in view of Chang.

Claims 11 and 12

Claims 11 and 12 have been cancelled without prejudice.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

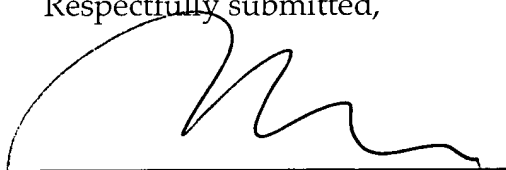
November 3, 2005
(Date of Transmission)

Shannon Tinsley
(Name of Person Transmitting)

Shannon Tinsley
(Signature)

11/3/05
(Date)

Respectfully submitted,


Richard P. Berg
Attorney for the Applicant
Reg. No. 28,145
LADAS & PARRY
5670 Wilshire Boulevard, Suite
2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile

Encl - Postcard